



Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director

DEPARTMENT OF NATURAL RESOURCES

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SEP 29 2014

Mr. Karl Brooks
Regional Administrator
U.S. EPA, Region VII
11201 Renner Boulevard
Lenexa, KS 66219

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OCT 07 2014

AWMD/APCO

Dear Mr. Brooks:

The Missouri Department of Natural Resources' Air Pollution Control Program is withdrawing revisions to 10 CSR 10-6.362 *Clean Air Interstate Rule Annual NO_x Trading Program*, 10 CSR 10-6.364 *Clean Air Interstate Rule Seasonal NO_x Trading Program*, and 10 CSR 10-6.366 *Clean Air Interstate Rule SO₂ Trading Program* that were submitted for incorporation into the Missouri State Implementation Plan (SIP) on February 8, 2010.

These rule amendments incorporated changes from a *Federal Register* notice published October 19, 2007 which revised the calculation method for the efficiency standard in the cogeneration unit definition excluding energy input from biomass (along with other minor changes) and added a new definition of biomass. These revisions made it more likely a unit could qualify as a cogeneration unit by burning more biomass and become exempt from the Clean Air Interstate Rules (CAIR). We are not aware of any sources affected in Missouri or anyone that has taken advantage of this flexibility to date.

When considering the recent U.S. Supreme Court decision (*Environmental Protection Agency vs. EME Homer City Generation L.P.*), we are assuming the Cross State Air Pollution Rule (CSAPR) will be reinstated soon, making it no longer necessary for EPA to act on these CAIR rules that will be replaced with CSAPR. Therefore, we are withdrawing the February 8, 2010 submittal. If circumstances change in the future, we may resubmit.

Thank you for your attention to this matter. If you have any questions regarding this supplemental submittal, please contact me at the department's Air Pollution Control Program at P.O. Box 176, Jefferson City, MO 65102 or by telephone at (573) 751-4817.

Sincerely,

AIR POLLUTION CONTROL PROGRAM


Kyra L. Moore
Director

KLM:abc

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